

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DAVID SNYDER,

Plaintiff,

v.

Case Number 08-10047
Honorable Thomas L. Ludington

RANDY TRUDELL, ERIC AMES,
LORI JACOBSEN,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, AND DISMISSING
COMPLAINT WITH PREJUDICE**

This matter is before the Court on a report and recommendation issued by Magistrate Judge Steven D. Pepe on September 25, 2008. The magistrate judge recommended that the Court grant Defendants' motion for summary judgment because Defendant Lori Jacobsen is entitled to judicial immunity as an administrative hearing officer and Defendants Randy Trudell and Eric Ames are entitled to qualified immunity as Plaintiff has not alleged the violation of a clearly established constitutional or other federal right. On October 6, 2008, the report and recommendation mailed to Plaintiff was returned to the Court as undeliverable; Plaintiff was released on parole and failed to provide a current address to the Court. With the help of Defendants, the Court was able to determine Plaintiff's current address, and the magistrate mailed a copy of the report and recommendation to Plaintiff on December 3, 2008.

As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt # 17] is **ADOPTED**.

It is further **ORDERED** that Defendant's motion for summary judgment [Dkt. # 14] is **GRANTED** and that Plaintiff's complaint [Dkt. # 1] is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 6, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 6, 2009.

s/Tracy A. Jacobs
TRACY A. JACOBS